

APPLYING RESTORATIVE JUSTICE TO THE GENOCIDE IN RWANDA

A JRP INTERVIEW with Dan Van Ness

Dan Van Ness is Executive Director of the Centre for Justice and Reconciliation, (www.restorativejusticeonline.org), a programme of Prison Fellowship International, PFI, (www.pfi.org), based in Virginia (USA). PFI is an association of national NGOs from 116 countries working in prisons and communities to reduce the damage caused by crime. Beginning in 2001, Mr. Van Ness assisted Prison Fellowship Rwanda in preparing genocide perpetrators to confront their victims, survivors and communities.



Can you give us some background on what precipitated the 1994 genocide in which so many Tutsis and Hutus were killed? Can you give us an overview?

Yes. Hutus and Tutsis are two of the many tribes in Africa. In Rwanda, Hutus make up just over 85% of the population and the Tutsis just over 10%. They lived together in relative peace until the colonial era. The Belgians, influenced by contemporary interest in phrenology (the shape of the head), concluded that the Tutsis were superior in intelligence to the Hutus. Tutsis are taller and their heads are shaped more like those of Europeans than the Hutus. Consequently, the colonial powers put Tutsis in positions of power. When Belgium granted independence to Rwanda in 1959, it established a democratic constitution and as a result the government from 1959 until 1994 was dominated by Hutus. Some Hutus were extremely belligerent in their relations with the Tutsis, in the same way that extremist groups in some countries today base their appeal on nationalism. However, most Hutus and Tutsis got along well, living side by side in their villages and

even intermarrying. Nevertheless, there were extremists within the leadership of the government, the military and the church. A Tutsi rebel force carried out military actions against the Hutu government. In 1994, a peace agreement was signed in Tanzania between the rebel leaders and the Rwandan president. While flying home to Kigali from the signing, the president's plane was shot down and he was killed. Most now believe that he was killed by the extremist Hutus, but at the time they blamed the rebels. Using their radio station and a coordinated effort by their leaders around the country, the extremist Hutus organized an effort to kill all Tutsis. Over a timeframe of 100 days, about 800,000 to 1,000,000 Tutsis and moderate Hutus were killed, mostly by neighbours at the instigation of the extremist Hutus.

How did you become involved in the situation in Rwanda?

By 2001, roughly 110,000 people were locked up in Rwandan prisons charged with participating in the genocide. Prison Fellowship (PF) Rwanda had become actively involved in the genocide prisons almost from the moment they were established. In September 2001, PF International held a meeting in South Africa. The representatives of PF Rwanda told me that the government had decided that it could not try all the prisoners in a reasonable time using Western-style courts, so it had resurrected a pre-colonial justice mechanism called gacaca. It intended to use 11,000 of these entities to hear all but the most serious cases.

Can you explain the meaning of gacaca justice?

The word gacaca refers to the grassy space in front of an elder's house. It was the place that members of the community would go when they had a complaint against someone else. The matter would be heard by everyone, and a solution decided upon. As with many indigenous justice processes, gacaca justice had a mixture of purposes, but one major one was restoration of victims and of community peace. The government had arranged for elections in 11,000 communities in order to select "People of Integrity" who were trusted to hear cases in the gacaca proceedings. Prisoners would be brought to the hearing and people from the community could charge them with acts of genocide. The prisoners could either admit their role or defend themselves against the accusation. The concern in the fall 2001, just before these tribunals were to start hearing cases, was that the men and women in the genocide prisons had expected to be tried in Western courts, where the best strategy is not to admit anything and insist that the government prove you guilty beyond a reasonable doubt. So for seven years virtually all of them had denied guilt. The first problem is that gacaca processes work best if there is a confession and truth telling. The sentences available to the gacaca judges were quite limited, and consisted largely of time served and community service. Victims and survivors of the genocide recognized that the prisoners would have to be released into the community, but they were insistent that they accept responsibility for what they had done. A second problem was that many Rwandans believed that "reconciliation" meant "forgive and forget." That was not what the government meant, but it was a common assumption. As one survivor put it, "I know we will have to forgive them and let them return home. But it would be so much easier if they would admit what they did." I visited Rwanda in December 2001 and met with a number of people. In the course of those meetings we came to the conclusion that our contribution might be to teach the meaning of restorative justice and genuine reconciliation in the prisons, helping prisoners understand the value and importance of assuming responsibility for what they had done. We decided that a modified version of the Sycamore Tree Project® (STP) could be helpful in doing this. This turned into the Umuvumu Tree Project.

Having worked with you on the 1998 Texas restorative justice pilot of the Sycamore Tree Project, I know the great value of this in-prison victim offender programme. How is the Umuvumu Tree Project different from STP? How is it similar?

First of all, we changed the name of the programme because there are no sycamore trees in Rwanda. The umuvumu tree, a relative of the sycamore tree, does grow there, and it has played an important role in Rwandan culture. Its bark has a number of uses, one of which is to make cloth. Bark cloth is obtained by cutting out a strip or cylinder of bark, which causes the tree to produce a fine matted covering of red, slender roots over the wound. It is this covering that is used to make bark cloth. The idea of making something valuable and useful out of wounds seemed appropriate. STP brings a group of victims into prison to meet with a similarly-sized group of prisoners. They are not each others' victims and offenders. They talk together

over the next 6, 8 or 12 weeks (there are different versions) about a series of topics: understanding crime, taking responsibility, confession, repentance, forgiveness, making amends and reconciliation. In the course of these conversations the attitudes and understandings of both prisoners and victims change. It wasn't possible to do STP in Rwanda because of the sheer numbers of prisoners and the speed with which they needed to be exposed. I visited a prison with 7,000 prisoners. There was an outdoor seating area that could hold 800-1,000 men. Given the government's timeframe, we needed to fill that area each session. We would never be able to find and prepare that many victims. Thus, Umuvumu Tree Project used stories that illustrated the STP topics, conducted small group discussions among the prisoners, and brought victims into the prison for a full session to talk about how their lives had been affected. We added another session in which family members of the prisoners did the same. In other words, Umuvumu Tree Project was much more of a prison-based victim empathy programme than STP, which was designed to benefit victims and offenders alike. However, it also allowed the prisoners to understand the importance of truth-telling, of taking responsibility, and of the steps that are needed to gain deep and true reconciliation.

What kind of impact did this have?

We were amazed at the hunger there was in the prisons for this programme. PF Rwanda used trained facilitators to run the project around the country. In each prison hundreds of men participated in each session, and the result was that many said they wanted to assume responsibility for what they had done. At the time the programme started, only 5,000 of the 110,000 genocide prisoners had confessed to their involvement. The others denied responsibility. Six months after Umuvumu Tree Project had begun, this number had grown to 32,000.

Do you see healing occurring in the victims? And in the offenders as well? How does the community respond?

The healing process is a long and involved one. I think that Umuvumu Tree Project has helped in that process in several ways. First, it has contributed to the offenders' willingness to admit what they have done, to answer questions, and to apologize deeply. Second, it has reminded people of the importance of forgiveness in this process. The forgiveness I speak of is not simply offered by victims of the genocide toward the perpetrators. The cycle of violence between members of both Hutus and Tutsis has gone back many years, and they are reinforced by accounts of atrocities in the past that may or may not have happened. It is why we helped the prisoners understand that forgiveness was important for them to consider, since most of them considered themselves victims in some ways. Third, prisoners have wanted to do something tangible to demonstrate their desire to make amends. In a number of places they have done this by working at no cost to build homes for survivors. As he worked on one such house, one of the ex-prisoners said that he was glad to have this opportunity, and that it made it possible for him to think of himself merely as a Rwandan, not as a Hutu or as a participant in the genocide.

What kind of obstacles did you encounter?

Resources to do the project were hard to come by, of course, so that was one obstacle. Another was the concern by members of the victim support community that this was offering special privileges to prisoners and failing to meet the needs of victims. Imagine being a woman who has just watched her husband and children be hacked to death by neighbours wielding machetes. Then imagine the victim being gang-raped by twenty men, beaten, and having a hand or an arm cut off. As you begin to recover, you want to die. But then you discover that your sister and her husband were also killed and now someone needs to raise their children. You now need to care and provide for them. Some time later you are diagnosed with AIDS, contracted as the result of the gang rape. Now suppose that you hear accounts of the UN Tribunal in Tanzania that is trying many of the ringleaders. Those defendants are held in air-conditioned jails. They are fed and sheltered. They receive medical care and free legal assistance. One victim asked why she couldn't trade places with those defendants. This is why many victims and survivors resent anything being done for the perpetrators. Their injuries are profound; their needs are great.

What is the current status of the project?

The original group of 20,000 prisoners has been released and processed through the gacaca tribunals. The government has just announced that it will be releasing another 39,000 prisoners. So the need for the programme in prison is still great, but the needs in the community are growing. In addition to the community work I mentioned before, PF Rwanda wants to create business co-operatives in villages that are jointly owned by Hutus and Tutsis. These co-operatives might own cattle, for example, or do other work. Funding is always a factor in deciding what can be done, of course.

Since we first conducted this interview, Prison Fellowship Rwanda has started an extraordinary project, which is to establish “practical reconciliation” villages. On the land given to the villages by the government, they organize genocide perpetrators and survivors, as well as people who have returned to Rwanda from exile to build together houses for the village. Those people then are given houses to live in. The residents run the village together, which means they need to learn to work together. PF Rwanda has also raised funds to purchase cattle, sheep and goats. These are given to people in the village with the understanding that their offspring will be given to others who live there. The distribution is done as evenly as possible among the different groups in the village. This gives the residents a financial incentive to look after the “village” livestock. The genius of this idea is that it requires ongoing contact and collaboration, which means that the reconciliation that may have come initially during gacaca or in local Umuvumu Tree programmes needs to be worked out practically on a day-by-day basis.

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